

AMENDED IN SENATE AUGUST 18, 2000

AMENDED IN SENATE JUNE 14, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2913

Introduced by ~~Assembly Member Kuehl~~ *Assembly Member Kuehl*

March 15, 2000

An act to add Section 682.1 to the Civil Code, relating to community property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2913, as amended, Kuehl. Community property.

Existing law provides that upon the death of a married person, $\frac{1}{2}$ of the community property of a husband and wife belongs to the surviving spouse and the other half belongs to the decedent.

This bill would provide that the community property of a husband and wife when expressly declared in a transfer document to be community property with right of survivorship, shall pass to the survivor upon the death of one of the spouses, without administration. *The bill would also permit the right of survivorship to be terminated prior to the death of either spouse, as specified.* This provision would be operative July 1, 2001, and would apply to instruments created on or after that date.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 682.1 is added to the Civil Code,
2 to read:
3 682.1. (a) Community property of a husband and
4 wife, when expressly declared in the transfer document
5 to be community property with right of survivorship, and
6 which may be accepted in writing on the face of the
7 document by a statement signed or initialed by the
8 grantees, shall, upon the death of one of the spouses, pass
9 to the survivor, without administration, pursuant to the
10 terms of the instrument, subject to the same procedures,
11 as property held in joint tenancy. *Prior to the death of*
12 *either spouse, the right of survivorship may be*
13 *terminated pursuant to the same procedures by which a*
14 *joint tenancy may be severed.* Part I (commencing with
15 Section 5000) of Division 5 of the Probate Code and
16 Chapter 2 (commencing with Section 13540), Chapter 3
17 (commencing with Section 13550) and Chapter 3.5
18 (commencing with Section 13560) of Part 2 of Division 8
19 of the Probate Code apply to this property.
20 (b) This section does not apply to a joint account in a
21 financial institution to which Part 2 (commencing with
22 Section 5100) of Division 5 of the Probate Code applies.
23 (c) This section shall become operative on July 1, 2001,
24 *and shall apply to instruments created on or after that*
25 *date.*

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